

GAU1615/7

PATENT

P. Tuck
6/1/99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Fischetti, et al.

Serial No. 08/962,523

Filed: 10/31/97



Group: 1615

Examiner: Raj Bawa, Ph.D.

For: Means for the Prophylactic and Therapeutic Treatment of
Group A Streptococcal Infections

The Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

First, please note that all correspondence should go to the
new address of the undersigned attorney, said address being:

2120 L Street, N.W.
Suite 210
Washington, D.C. 20037

As to the restriction requirement, applicant respectfully
takes issue with the Office Action that the process as claimed can
be practiced with another materially different product such as an
antibacterial agent.

Claim 6 reads as follows:

6. A method for the treatment of streptococcus A exposure
comprising:

applying an effective dosage of a pharmaceutically

acceptable amount of:

an extraction reagent comprising Group C streptococcal phage associated lysin enzyme to the oral mucosa of a mammal in need of treatment;

permitting the extraction reagent to remain in contact with the oral mucosa for a period of time necessary for the lysin enzyme to saturate the oral mucosa; and

applying additional dosages of such the lysin enzyme in like fashion until treatment is complete.

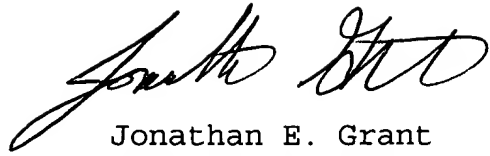
The claim is specifically directed towards to the use of Group C streptococcal phage associated lysin enzyme to saturate the oral mucosa. No other materially different product would be as effective as this lysin for this method in both treating the oral mucosa and in acting as an agent against strep.

However, if the U.S. Patent and Trademark Office does not agree with our position we elect prosecution of Claims 1-5 and 23-25 drawn to a pharmaceutical composition, classified in class 424, subclass 45.

The appropriate fee for the late filing of a response to this office action is submitted herein.

Please call the undersigned if you have any questions. Thank you.

Respectfully submitted,



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